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13 December 1963

STAT

MEMORANDUM FOR: [redacted]

SUBJECT: Department of State Draft Legislation to Amend the Missing Persons Act to Include Coverage of Aliens Employed by the United States Government Outside the Continental United States

This will confirm my remarks concerning features of the proposed legislation which may warrant specific review.

The Missing Persons Act, 50 U.S.C., App. 1001, et seq., provides in essence authority for the head of an Agency--

(a) to continue pay and allowances of missing federal employees covered under the Act until death or return to our jurisdiction,
(b) the continuance or establishment of allotments for dependents and for insurance; and for determination of dependency in the establishment of allotments,
(c) periodic review and continuance of missing status, or finding of death after one year's absence, or at such time as such finding may be warranted,
(d) upon application of dependent, the moving of dependents and transportation of affects of persons dead, injured, captured, etc., to the official residence of record or to the residence of the dependent.

The proposed bill would provide these benefits for all aliens employed by the Federal Government and would be retroactive to December 31, 1945, the end of World War II.

Two basic questions are suggested for review. The first, application of the term "employee" under this Act is considerably broader than the definition set forth by Agency regulations and may be considered for review purposes to include any alien paid a salary for services performed for the United States Government. Second, the retroactive application of the

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proposal would require reopening and review of such cases as have occurred since the end of World War II to insure that appropriate benefits have been provided such persons.

STAT

Assistant Legislative Counsel

cc: Director of Personnel

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